

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TOYZ, INC., a California limited liability company,
ANTELOPE TOYZ, LLC, a California
limited liability company,
WIRELESS, LCC, a California limited
liability company,
DEM ASSOCIATES, INC., a California corporation,
TOYZ RANCHO CORDOVA, LLC, a California
limited liability company; and
ENYART INNOVATIONS, LLC, a California limited
liability company,

Hon. Victoria A. Roberts

Plaintiffs,

Case No. 10-cv-10900

v.

WIRELESS TOYZ, INC., a Delaware corporation,
JSB ENTERPRISES, INC., a Michigan corporation,
WIRLESS TOYZ FRANCHISE, LLC, a Michigan
limited liability company,
JOE BARBAT, an individual,
DAVID D. EBNER, an individual,
NEAL YANOFSKY, an individual,
RICHARD SIMTOB, an individual, and
JACK BARBAT, an individual,

Defendant.

ORDER

This matter is before the Court on Defendants' Motion for Reconsideration of the June 30, 2011 order. (Doc. # 57).

A court will grant a motion for reconsideration if the movant can (1) "demonstrate a palpable defect by which the court and the parties . . . have been misled," and (2) "show that correcting the defect will result in a different disposition of the case." E.D. Mich. LR 7.1(h)(3). "A 'palpable defect' is 'a defect that is obvious, clear, unmistakable, manifest, or plain.'" *United States v. Lockett*, 328 F. Supp. 2d 682, 684 (E.D. Mich. 2004) (citing *United States v. Cicani*, 156

F. Supp. 2d 661, 668 (E.D. Mich. 2001)). A motion for reconsideration that presents "the same issues ruled upon by the court, either expressly or by reasonable implication," will not be granted. E.D. Mich. LR 7.1(h)(3); *see Czajkowski v. Tindall & Assocs., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997).

The Defendants reassert the same arguments made in the original motion for dismissal. Local Rule 7.1(h)(3) states that "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." *See also Czajkowski v. Tindall & Assocs., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997).

The Court declines to again consider Defendants' arguments.

The Motion is **DENIED**.

IT IS ORDERED.

s/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 25, 2011

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on July 25, 2011.

s/Carol A. Pinegar
Deputy Clerk